

AN ORDINANCE BY

COUNCILMEMBERS MICHAEL JULIAN BOND, H. LAMAR WILLIS, KEISHA LANCE BOTTOMS, AARON WATSON, C. T. MARTIN, IVORY L. YOUNG, JR., CLETA WINSLOW, JOYCE SHEPERD AND KWANZA HALL

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND ARTICLE III, ("PAWNBROKERS"), OF CHAPTER 122, ("SECONDHAND GOODS"), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, BY CREATING A NEW SECTION 122-88 TO BE ENTITLED "LOCATION RESTRICTIONS" SO AS TO REGULATE THE LOCATION OF PAWNSHOPS AND SIMILAR PLACES WHERE MONEY IS ADVANCED ON GOODS OR OTHER EFFECTS OR MERCHANDISE OF ANY KIND IS TAKEN IN PAWN; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in promoting the general health, safety, and welfare of the citizens of the City of Atlanta; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including pawnshops and similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn; and

WHEREAS, the Official Code of Georgia Annotated § 44-12-136 provides that "[m]unicipal authorities may license pawnbrokers, define their powers and privileges by ordinance, impose taxes upon them, revoke their licenses, and exercise such general supervision as will ensure fair dealing between the pawnbroker and his customers;" and

WHEREAS, section 122-81 of the City of Atlanta Code of Ordinances requires that "[e]very person, before beginning the business of operating a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall first file an application with the department of police for a permit to conduct the business;" and

WHEREAS, it is the desire of the City of Atlanta to ensure that pawnshops or similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn do not become concentrated in certain commercial districts of the City; and

WHEREAS, it is the desire of the City of Atlanta to encourage balanced commercial development through the creation of distance requirements between pawnshops or similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, and certain other uses; and

WHEREAS, the City of Atlanta has determined that it would be in the best interest of the public safety and welfare of the citizens of the City of Atlanta to regulate the location of pawnshops and similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That Chapter 122, Article III, (entitled "Pawnbrokers"), of the Code of Ordinances of the City of Atlanta, Georgia, is hereby amended by creating a new Section 122-88, to be entitled "Location Restrictions", which shall provide as follows:

Sec. 122-88 Location Restrictions

(a) No pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall be located within 1,000 feet of any other pawnshop or similar place where money is advanced on goods other effects or merchandise of any kind is taken in pawn. This distance shall be measured by the most direct route of travel on the ground.

(b) No pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall be located within 1,000 feet of any of the following uses:

- (1) From any structures in residential use.
- (2) From any public or private school.
- (3) From any public or private park or recreation facility.
- (4) From any public library branch.
- (5) From any church or similar place of religious worship.
- (6) From any public or private hospital or mental health care facility.
- (7) From any child care or day care facility.

The distance in subsection (b)(1)--(7), notwithstanding the definition of distance contained in subsection (a), shall be measured in a straight line from the closest point of the property line of the site proposed to be occupied by the pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, to the closest property line of any use identified above.

(c) Applicants for license to operate a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall include with their application, a plat of survey prepared and sealed by a surveyor registered in the state certifying that all of the locational requirements listed above in subsections (a) and (b) have been met. Such applications shall be reviewed by the bureau of buildings for compliance with all distance requirements.

(d) Except as provided in section 122-89, a location licensed to operate a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn on or before July 1, 2010 shall not be required to comply with the distance requirements set forth in subsections (a) and (b) above, provided that such location is not expanded or enlarged.

Nor shall the distance requirements set forth in subsections (a) and (b) above apply to any location for which a new application to operate a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, has been filed with the police department if such application was filed prior to July 1, 2010.

SECTION 2: That Chapter 122, Article III, (entitled "Pawnbrokers"), of the Code of Ordinances of the City of Atlanta, Georgia, in hereby amended by creating a new Section 122-89, to be entitled "Application for new license at existing location", which shall provide as follows:

Sec. 122-89 Application for new license at existing location

(a) An applicant for a new license to operate a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, who has acquired a previously licensed pawn location may, within one year after the expiration of the previous owner's license, apply for a pawnshop license for that location even though the location may not meet distance requirements from churches, schools, private residences and other distance requirements set forth in section 122-88.

(b) An application filed under this section shall meet and qualify under all other requirements of this division for the granting of a new license.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

[Handwritten signatures and stamps at the top of the page, including "10-0388"]
AN ORDINANCE BY
COUNCILMEMBER MICHAEL JULIAN BOND

AN ORDINANCE TO AMEND ARTICLE III, ("PAWNBROKERS"), OF CHAPTER 122, ("SECONDHAND GOODS"), OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, BY CREATING A NEW SECTION 122-88 TO BE ENTITLED "LOCATION RESTRICTIONS" SO AS TO REGULATE THE LOCATION OF PAWNSHOPS AND SIMILAR PLACES WHERE MONEY IS ADVANCED ON GOODS OR OTHER EFFECTS OR MERCHANDISE OF ANY KIND IS TAKEN IN PAWN; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in promoting the general health, safety, and welfare of the citizens of the City of Atlanta; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including pawnshops and similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn; and

WHEREAS, the Official Code of Georgia Annotated § 44-12-136 provides that "[m]unicipal authorities may license pawnbrokers, define their powers and privileges by ordinance, impose taxes upon them, revoke their licenses, and exercise such general supervision as will ensure fair dealing between the pawnbroker and his customers;" and

WHEREAS, section 122-81 of the City of Atlanta Code of Ordinances requires that "[e]very person, before beginning the business of operating a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall first file an application with the department of police for a permit to conduct the business;" and

WHEREAS, it is the desire of the City of Atlanta to ensure that pawnshops or similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn do not become concentrated in certain commercial districts of the City; and

WHEREAS, it is the desire of the City of Atlanta to encourage balanced commercial development through the creation of distance requirements between pawnshops or similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, and certain other uses; and

WHEREAS, the City of Atlanta has determined that it would be in the best interest of the public safety and welfare of the citizens of the City of Atlanta to regulate the location

of pawnshops and similar places where money is advanced on goods or other effects or merchandise of any kind is taken in pawn.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA
as follows:

SECTION 1: That Chapter 122, Article III, (entitled "Pawnbrokers"), of the Code of Ordinances of the City of Atlanta, Georgia, in hereby amended by creating a new Section 122-88, to be entitled "Location Restrictions", which shall provide as follows:

Sec. 122-88 Location Restrictions

(a) No pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall be located within 1,500 feet of any other pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn. This distance shall be measured by the most direct route of travel on the ground.

(b) No pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall be located within 1,500 feet of any of the following uses:

- (1) From any structures in residential use.
- (2) From any public or private school.
- (3) From any public or private park or recreation facility.
- (4) From any public library branch.
- (5) From any church or similar place of religious worship.
- (6) From any public or private hospital or mental health care facility.
- (7) From any child care or day care facility.

The distance in subsection (b)(1)--(7), notwithstanding the definition of distance contained in subsection (a), shall be measured in a straight line from the closest point of the property line of the site proposed to be occupied by the pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, to the closest property line of any use identified above.

(c) Applicants for license to operate a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, shall include with their application, a plat of survey prepared and sealed by a surveyor registered in the state certifying that all of the locational requirements listed above in subsections (a) and (b) have been met. Such applications shall be reviewed by the bureau of buildings for compliance with all distance requirements.

(d) An application for a renewal license to operate a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is

taken in pawn, shall not be subject to the restrictions contained in this section if the holder of the license holder obtained such license prior to July 1, 2010.

Nor shall the restrictions contained in this section apply to any location for which a new application to operate a pawnshop or similar place where money is advanced on goods or other effects or merchandise of any kind is taken in pawn, has been filed with the police department if such application was filed prior to July 1, 2010.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.